

01129/57136-MDC

FILED BY U-2 D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

ANDREA COOK, as Administratrix of)
the Estate of Stanley Franklin Cook,)
Deceased;)

Plaintiff,)

vs.)

Case No. 03-2852-DA
JURY TRIAL DEMANDED

CITY OF TRIMBLE, TENNESSEE;)
JIMMY RING, Individually and in his)
Official Capacity as Chief of Police)
of The City of Trimble; and ROBERT)
HORNER, Individually and in his)
Official Capacity as an Officer of)
The City of Trimble Police)
Department,)

Defendants.)

PROTECTIVE ORDER

This matter came before this Court pursuant to the Motion of Defendant Robert Horner seeking a protective order regarding the disclosure of information contained in personnel files requested by the Plaintiff. In this civil rights and state tort law action, the Plaintiff alleges the federal constitutional rights of Stanley Cook were violated by Defendants. Defendant Robert Horner denies Stanley Cook's federal constitutional rights were violated. During the course of discovery, Plaintiff has requested the personnel files of Defendant Robert Horner.

The Court finds the information sought by Plaintiff should be treated as that of a confidential nature due to the nature of the information contained in the personnel files. It

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is important that the information not be disclosed except in the very limited fashion as described in this protective order. A protective order is necessary to insure that all information provided by Defendant Robert Horner in this case is kept confidential and so that no information is disseminated in any manner except as expressly provided herein. This protective order shall apply to all personnel information or documents which Defendant Robert Horner will produce or has produced to the Plaintiff in this case subject to any subpoena, written or oral request, or court order.

IT IS ORDERED that the discovery of the personnel information requested by Plaintiff may be had by Plaintiff under the following conditions:

1. Plaintiff's attorney and Plaintiff are hereby prohibited from disseminating the personnel files of Defendant Robert Horner, or information obtained therefrom to any other persons or entities. Plaintiff's attorney may, however, disclose the information to associated or internal counsel, and legal associates, clerical or other support staff assisting in preparation of this action. These other individuals, however, are prohibited from making further disclosure.
2. Any person receiving confidential material pursuant to this protective order shall not reveal or discuss such material to or with any person not entitled to disclosure under this Order.
3. Home addresses, telephone numbers of the Defendant Robert Horner, and his social security number are to be redacted from personnel files as this information is private and not relevant to Plaintiff's claims.
4. Confidential material obtained through this protective order used in

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connection with depositions, interrogatories, requests for production of documents, requests for admissions, motions, or any pre-trial matter, if submitted to the Court, shall be filed and maintained under seal by the Court's Clerk with the following designated language written on the outside:

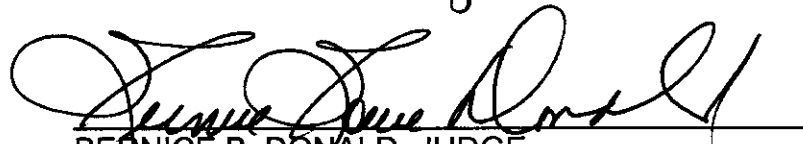
"CONFIDENTIAL"

Pursuant to the Order of the United States District Court for the Western District of Tennessee, dated the ____ day of _____, 2005, this envelope contains confidential material that is not to be opened or reviewed by persons not included in the Order of the United States District Court for the Western District of Tennessee. Sealing and unsealing this material is in accordance with Rule 26(c).

5. Confidential documents or confidential information may be utilized during party depositions involving this matter for any appropriate purpose without prior notice. Any transcript, notes or other recording of deposition testimony containing information made confidential herein shall be confidential material subject to this protective order.


6. Upon termination of this action, including any appeals, all copies of confidential material obtained through this Order shall be returned to Defendant's counsel or shall be destroyed by the party in possession of the same.

IT IS SO ORDERED, THIS THE 31 DAY OF August, 2005.



BERNICE B. DONALD, JUDGE

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APPROVED FOR ENTRY:

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Notice of Distribution

This notice confirms a copy of the document docketed as number 60 in case 2:03-CV-02852 was distributed by fax, mail, or direct printing on September 8, 2005 to the parties listed.

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Honorable Bernice Donald
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